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December 16, 1983

Mr. Murray L. Mc Kay
Pesticides Control Supervisor
Pesticides Control Board
Hazen Drive
Concord, New Hampshire 03301

Re: Chapter 277-A, Laws of 1983 "Worker's Right to Know Act"

Dear Mr. Mc Kay:

This letter is in response to your memoranda dated October 21, 1983, and November 29, 1983. In both of these memoranda you asked various questions regarding the implementation of Chapter 277-A, Laws of 1983, "Worker's Right to Know Act." Please be advised that on December 7, 1983, I spoke with Mr. James MacDonough of the New Hampshire Department of Labor. Mr. MacDonough is one of the people at that agency responsible for enforcing this new law. He informed me that the federal Department of Labor had adopted new regulations in this area pursuant to the Occupational Safety and Health Act of 1970 ("OSHA") on or about December 1, 1983. According to Mr. MacDonough, these new OSHA standards may preempt state regulation of toxics and worker safety under Chapter 277-A. Until this legal issue is resolved, Mr. MacDonough said that the Department of Labor would not be requiring compliance with Chapter 277-A.

In light of the above, I suggest that you and your department take no special action to comply with Chapter 277-A



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until this question of preemption is resolved, or until the State Department of Labor advises otherwise. According to Mr. MacDonough, the State Department of Labor hopes to have this matter resolved in the next two or three weeks. If you have any further questions in the interim, please let me know.

Very truly yours,

Robert P. Cheney Jr.

Robert P. Cheney Jr.
Assistant Attorney General
Environmental Protection Div.

RPC, Jr./clp

cc: Mr. James MacDonough
Department of Labor

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